

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MACKINAC CENTER FOR PUBLIC
POLICY,

Plaintiff,

v.

U.S. DEPARTMENT OF EDUCATION, *et al.*,

Defendants.

Case No. 1:23-cv-10795-TLL-PTM

JOINT MOTION TO EXTEND BRIEFING SCHEDULE

Plaintiff has challenged and moved to preliminarily enjoin the U.S. Department of Education’s pandemic-related pause of monthly payments and interest accrual on certain federal student loans. *See* ECF Nos. 1, 9. As proposed by the parties, the Court adopted the following briefing schedule: Defendants’ response in opposition to preliminary injunction and motion to dismiss are due on June 13, Plaintiff’s reply in support of preliminary injunction and response in opposition to dismissal are due July 11, and Defendants’ reply in support of dismissal is due July 25. *See* ECF No. 13.

On June 3, after the Court entered its scheduling order, the President signed into law the Fiscal Responsibility Act of 2023. *See* Pub. L. No. 118-5, § 271, 137 Stat. 10, 33–34 (2023). That Act contains provisions addressing the pandemic-related pause of monthly payments and interest accrual that Plaintiff has challenged. Specifically, the Act provides that, “[s]ixty days after June 30, 2023, the waivers and modifications described in” the Act—*i.e.*, “the waivers and modifications of statutory and regulatory provisions relating to an extension of the suspension of payments on certain loans and waivers of interest on such loans under section 3513 of the CARES Act . . . described by the Department of Education in the Federal Register on October 12, 2022 . . . and most recently extended

in the announcement by the Department of Education on November 22, 2022”—“shall cease to be effective.” *Id.* § 271(a), (c).

The parties are now conferring about the Act’s effect on this case, and they anticipate that they may be able to resolve this case without further action by the Court. To allow sufficient time for their discussions, the parties agree that the current briefing schedule should be extended by two weeks and respectfully request that the Court adopt the following deadlines for their respective filings:

Filings	Date
Defendants’ Response in Opposition to Preliminary Injunction & Motion to Dismiss	June 27, 2023
Plaintiff’s Reply in Support of Preliminary Injunction & Opposition to Dismissal	July 25, 2023
Defendants’ Reply in Support of Dismissal	August 8, 2023

Dated: June 8, 2023

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